the amount of money lost or wasted in this manner since 1885 has averaged 25 millions sterling per annum. How long is this to go on before bankruptcy overtakes one or other of the European nations? What effect must such a crisis have on the trade of the world? Is it possible, in the present political state of Europe, to devise any means for averting a general cataclysm? These are questions of far higher importance to 300 millions of the human race than the observation of the transit of Venus or the discovery of the North Pole. Nevertheless, there are unfortunately few thinking men in Europe who give themselves any concern with respect to a state of things more pregnant with widespread danger and confusion than any that has existed for a century.

M. G. MULHALL.

HOW TO RELIEVE CONGRESS.

WRITERS innumerable have told, some seriously, some humorously, of the difficulties encountered by private persons in getting relief bills passed by Congress, and of the waste of time by Congressmen in attending to this part of their duty. It is not my intention to go over that well-trodden ground, nor to present any fresh statistics. A statement of the case in such form as to bring into prominence the evils of the situation will be sufficient for present purposes.

First: The general laws which provide for the satisfaction of claims against the government were drawn and enacted in language so clumsy or obscure that many just claims are excluded from consideration, or are rejected properly as not admissible under the statute. Second: The only remedy of the injustice chargeable to the general laws is a special act of Congress; and the possible rate of considering cases of alleged injustice, by Congress, being less than the rate of the accumulation of claims, there is a constant increase of arrears. Third: The selection of claims for consideration and final action is not determined by the order of their presentation in Congress, nor yet by the length of time since they were first presented, years ago, nor again by their merit, nor by their urgency. The energy or the popularity of the member who has undertaken to get a relief bill passed, or some one of a variety of accidents, gives the preference which satisfies the claim of one person and passes over that of another person quite as meritorious. Fourth: That part of the work which is accomplished is not always well done. The method of constituting committees does not insure correct judgment on the part of those who are designated to investigate claims; the sessions at which business of this class is transacted are attended thinly, and chiefly by those who are interested for some constituent in the allowance of his claim; and anything like a real sifting of evidence for the equitable decision of the question as to the validity of a claim is simply impossible. A favorable report is usually conclusive if the bill in regard to which it has been made is reached on the calendar. One case on which I stumbled in a random study of this subject will illustrate how uncertain are the ways of Congress. A bill, for the relief of, we will say, James R. Hartington, was introduced in the first session of the Forty-seventh Congress, in February, 1882. It was reported favorably by the committee to which it was referred, but did not come to a vote. It was reintroduced in each of the four following Congresses, usually in both the Senate and the House of Representatives, and had a favorable report by a committee of the

Forty-eighth and Fiftieth, but was not reported at all in the Forty-ninth. The committee of the Fifty-first Congress reported unfavorably in 1890, and the claim has, I believe, not reappeared since that time. An adverse report is usually fatal to a claim. And yet, without any knowledge of the case, it seems fair to suppose that the three reports in its favor should count for as much as the one against it. If the case had been lucky enough to be reached on the calendar in either one of three Congresses, it would have been allowed, probably; and in that event, supposing the last fatal report to have been right, an unjust claim would have been allowed. On the other hand, if the last report was unjust, a man who is entitled to relief from the government has no further chance of obtaining it; yet the final decision against him may have been in reality but the decision of one man, and he the least competent to decide of all those who have investigated it.

To recapitulate: the very existence of these thousands of claims is the severest of criticisms upon the incompetency of those who draft our general laws. Congress is quite unable to keep pace with the accumulation of new claims, much less to clear off the arrears; the selection of claims for adjudication is made upon no system at all; and when the decision upon a claim is reached it may be right or wrong, and is perhaps not twice as likely to be right as to be wrong. Nothing has been said—it is not necessary, for the very statement of the matter brings out the evil—upon the impropriety of employing the time of the legislators for the nation in the examination of insignificant claims.

All these things have been said in great detail many and many a time, but those who have said them content themselves with a statement of the evils, or at most they add a sneer at other people—members of Congress chiefly—for not finding a remedy. Yet it requires no genius to devise measures which would correct every evil now existing and prevent a recurrence of it. The prime requisite is to adopt the principle that Congress, even if it has no higher duties to perform, is an unfit body to investigate and pass upon private claims. All demands against the government which are valid under the law may be heard and adjusted by the executive department or by the Court of Claims. Those which are brought individually before Congress are so brought because they are not valid under the law. We have here the old distinction, now abolished in the courts, between law and equity. But it would be highly improper to confer upon any executive department the right to allow claims, however just inherently, which are not admissible under the express terms of the statute. Consequently some new tribunal must be created to inquire into the substantial justice of such claims. The unfitness of Congress arises from the fact that this inquiry not only is strictly of a judicial character, but requires keener insight, better judgment, and a more impartial frame of mind than it does to determine whether or not the circumstances of any given case make it fall within the scope of a law that has been interpreted by the courts. How unjudicial a judge Congress is has been shown by a long series of partisan decisions upon contested election cases.

The obvious thing to do, then, is to establish a permanent Private Claims Commission. It should be a body of not less than fifteen members at the outset, and might well consist of as many as twenty-five. In time, as the number of unadjudicated claims diminished the membership might be reduced, until five, seven or nine commissioners would be enough to do the

work. It should be composed of upright, intelligent men, of good judicial capacity and of industry, in middle life; for if the Commission were made a retiring place for stranded members of Congress and other superannuated or broken-down politicians, the whole object would be defeated. Section 1,060 of the Revised Statutes of the United States provides that all petitions and bills for private claims founded upon law, or upon a regulation of an executive department, or upon a contract, express or implied, shall, when presented in Congress, be referred by the Secretary of the Senate or the Clerk of the House of Representatives to the Court of Claims. The exact language of the section, save only the insertion of the word *not* before the word "founded," and the substitution of *the Private Claims Commission* for "the Court of Claims," would relieve Congress absolutely of the duty of making the preliminary investigation of all such cases. Such a commission would divide itself into sections, each for the consideration of a special class of claims. There might be three or four sections of three members each to consider pension claims, one for land claims, one for patents, and so on. Doubtful cases would be reserved for the whole commission if the section should be unable to make a unanimous report. And in any event the commission would hold general meetings at stated intervals; and all judgments would be taken as judgments of the whole body.

It would not be proper—probably it might not be constitutional—to permit the conclusions of such a tribunal, dealing in all cases with matters outside the law, to become effective without definite action by Congress thereupon. But detailed reports of its findings, made to Congress, would be the basis of an appropriation bill covering all the claims adjudged to be equitable. As for those upon which an adverse report was made, they might still be brought forward as amendments to the bill, when considered in committee of the whole; and it is easy to see that under such a system few baseless claims would be allowed or just ones denied. Certainly every person who believes that his petition for relief is based in equity should rejoice at the establishment of a tribunal to which he might appeal, with a hope that his case would be heard fairly and promptly. Of course those who had little confidence in their own claim would wish for the continuance of a system in which favor and influence count for almost as much as a just cause. But under the law proposed all applications based upon legal or contract claims would go, as a matter of routine, to the Court of Claims, and all not so based would go to the Claims Commission. Although, by resolution, a case of either class might be withheld from the Commission, and sent to a Congressional committee, it is well known that an attempt to evade a competent regular tribunal excites suspicion.

The great benefits of the measure proposed are the prompt hearing of a great mass of accumulated private claims, the hearing of them on their merits, and the relief of Congress. But, incidentally, the commission might formulate amendments to existing law, so that a great many equitable claims now unprovided for should be brought within the classes ordinarily heard and decided in the departments. In any event, so much time would be gained to Congress by having no longer to pass upon these little private matters—some more time might be saved by the abandonment of the silly customs observed after the death of a member—that we might really hope that important public matters would have better attention than they now have.

EDWARD STANWOOD.